

III. REMARKS

Claims 1, 2, 4-6, 8-15 and 18-23 are pending in this application. By this amendment, claims 1, 5 and 13 have been amended and claims 21-23 have been added. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1, 2, 4-6, 8-15, 18, 19 and 20 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Tarbotton *et al.* (U.S. Patent No. 6,757,830), hereafter “Tarbotton.”

With regard to the 35 U.S.C. §102(e) rejection over Tarbotton, Applicants assert that Tarbotton does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 5 and 13, Applicants submit that Tarbotton fails to teach that the message includes information for constructing a query to access data of the server. Instead, the invention in Tarbotton deals with “...a method of detecting an e-mail message having one or more unwanted properties using one or more tests.” Col. 1, lines 63-65. To this extent, the

message of Tarbotton is an e-mail message and not does not include information for construction a query to access data of the server. In contrast, the claimed invention includes "...the message including information for constructing a query to access data of the server." Claim 1. As such, the message of the claimed invention is not merely an e-mail message as is the message of Tarbotton, but rather includes information for constructing a query to access data of the server. Thus, the message of the claimed invention is not taught by the e-mail message of Tarbotton. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 5 and 13, Applicants respectfully submit that Tarbotton also fails to teach the message types of the claimed invention. The passages of Tarbotton cited by the Office teach applying one or more tests that are current at the end of an expiry period to an e-mail message to identify if the e-mail message has any unwanted properties. Col. 4, lines 55-58; col. 6, lines 18-25 and 44-49. To this extent, Tarbotton scans an email for unwanted properties a second time if a new set of tests becomes available during a prescribed delay period. However, Tarbotton does not teach or suggest that the email itself is examined for message types and that its scan for unwanted properties makes a determination in relation to the message type for the e-mail message.

The claimed invention, in contrast, includes "...retrieving identification of all message types associated with said execution program set; examining said message received by said server in relation to said message types associated with said execution program set; and determining if said message received by said server contains an unauthorized element in relation to the corresponding message type for said message received." Claim 1. As such, the claimed invention does not merely perform a second scan based on whether new tests that are external to

the c-mail are found, but instead, determines if a message contains an unauthorized element in relation to an corresponding message type for the message received. For the above reasons, the second scan of Tarbotton does not teach the message type of the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With regard to newly added claims 21-23, Applicants submit that Tarbotton does not teach each and every feature of the claimed invention. Accordingly, Applicants submit that the claims are in condition for allowance.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

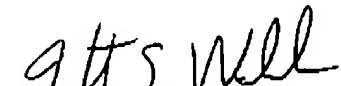
IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However,

Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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